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THE SITUATION IN THE OCCUPIED
TERRITORIES OF CROATIA

SECURITY COUNCIL
Fiftieth year

Letter dated 15 November 1995 from the Permanent Representative of Croatia to the United Nations addressed to the Secretary-General

Upon instructions from my Government, and in addition to my letter dated 6 October 1995 addressed to the President of the Security Council (S/1995/843), I have the honour to enclose the text of the basic agreement on the region of Eastern Slavonia, Baranja and Western Sirmium, signed between the Government of the Republic of Croatia and the local Croatian Serb authorities in Eastern Slavonia on 12 November 1995 in Croatia.

I would kindly request your assistance in distributing this letter and its annex as a document of the General Assembly under agenda item 92, and of the Security Council.

(Signed) Mario NOBILO
Permanent Representative

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Annex

Basic agreement on the region of Eastern Slavonia, Baranja and Western Sirmium

The Parties agree as follows:

1. There will be a transitional period of 12 months which may be extended at most to another period of the same duration if so requested by one of the parties.

2. The United Nations Security Council is requested to establish a Transitional Administration, which shall govern the region during the transitional period in the interest of all persons resident in or returning to the region.

3. The United Nations Security Council is requested to authorize an international force to deploy during the transitional period to maintain peace and security in the region and otherwise to assist in implementation of this agreement. The region shall be demilitarized according to the schedule and procedures determined by the international force. This demilitarization shall be completed not later than 30 days after deployment of the international force and shall include all military forces, weapons and police, except for the international force and for police operating under the supervision of, or with the consent of, the Transitional Administration.

4. The Transitional Administration shall ensure the possibility for the return of refugees and displaced persons to their homes of origin. All persons who have left the region or who have come to the region with previous permanent residence in Croatia shall enjoy the same rights as all other residents of the region. The Transitional Administration shall also take the steps necessary to re-establish the normal functioning of all public services in the region without delay.

5. The Transitional Administration shall help to establish and train temporary police forces, to build professionalism among the police and confidence among all ethnic communities.

6. The highest levels of internationally recognized human rights and fundamental freedoms shall be respected in the region.

7. All persons have the right to return freely to their place of residence in the region and to live there in conditions of security. All persons who have left the region or who have come to the region with previous permanent residence in Croatia have the right to live in the region.

8. All persons shall have the right to have restored to them any property that was taken from them by unlawful acts or that they were forced to abandon and to just compensation for property that cannot be restored to them.

9. The right to recover property, to receive compensation for property that cannot be returned and to receive assistance in reconstruction of damaged property shall be equally available to all persons without regard to ethnicity.

10. Interested countries and organizations are requested to take appropriate steps to promote the accomplishment of the commitments in this agreement. After the expiration of the transition period and consistent with established practice, the international community shall monitor and report on respect for human rights in the region on a long-term basis.

11. In addition, interested countries and organizations are requested to establish a commission, which will be authorized to monitor the implementation of this agreement, particularly its human rights and civil rights provisions, to investigate all allegations of violations of this agreement, and to make appropriate recommendations.

12. Not later than 30 days before the end of the transitional period, elections for all local government bodies, including for municipalities, districts and counties, as well as the right of the Serbian community to appoint a joint council of municipalities, shall be organized by the Transitional Administration. International organizations and institutions (e.g. the Organization for Security and Cooperation in Europe, the United Nations) and interested States are requested to oversee the elections.

13. The Government of the Republic of Croatia shall cooperate fully with the Transitional Administration and the international force. During the transitional period the Croatian Government authorizes the presence of international monitors along the international border of the region in order to facilitate free movement of persons across existing border crossings.

14. This Agreement shall enter into force upon the adoption by the United Nations Security Council of a resolution responding affirmatively to the requests made in this agreement.

DONE this twelfth day of November 1995.

SIGNED:

Milan MILANOVIC
Head, Serb Negotiating Delegation

Hrvoje SARINIC
Head, Croatian Government Delegation

WITNESSED:

Peter W. GALBRAITH
United States Ambassador

Thorvald STOLTENBERG
United Nations Mediator

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